

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

RAMON ALVARADO, JR.,

Plaintiff,

v.

Case No. 22-CV-290

**JOSH BLIELER, BRIAN FOSTER,
DEVONA GRUBER, JAMES MUENCHOW,
and JEREMY WESTRA,**

Defendants.

ORDER

On March 7, 2022, plaintiff Ramon Alvarado Jr., who is incarcerated at Waupun Correctional Institution and representing himself, filed a complaint under 42 U.S.C. § 1983 alleging that the defendants violated his constitutional rights. (ECF No. 1.) On March 28, 2022, Alvarado filed an amended complaint. (ECF No. 6.) Because the defendants had not yet answered, the court accepted the amended complaint and screened it. (*See* Fed. R. Civ. P. 15(a)). The court dismissed Alvarado's amended complaint because based on the allegations, Alvarado's claim was outside the three year statute of limitations. (ECF No. 9.)

On July 21, 2022, Alvarado filed a motion to amend or correct the judgment. (ECF No. 11.) He requests the court reopen his case and vacate the judgment because he did not fully exhaust his administrative remedies until March 21, 2019.

As such, when he filed his complaint on March 7, 2022, he filed his complaint within the three year statute of limitations.

The court will construe Alvarado's motion as a motion for reconsideration under Fed. R. Civ. Pro. 60(b) and grant it. Alvarado may file a second amended complaint by the deadline stated below. In his amended complaint, he must include the details about fully exhausting his administrative remedies. He also must include details about the conditions of his confinement in segregation. Once the court receives the second amended complaint, it will screen it. The court will also remove the strike assessed against Alvarado.

THEREFORE, IT IS ORDERED that Alvarado's motion for reconsideration (ECF No. 11) is **GRANTED**.

IT IS FURTHER ORDERED that the court's June 23, 2022, order dismissing the case (ECF No. 9) is **VACATED**.

IT IS FURTHER ORDERED that the court's June 23, 2022, judgment (ECF No. 10) is **VACATED**.

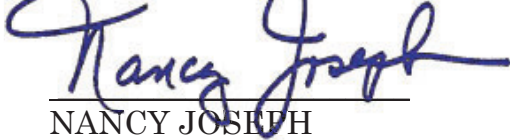
IT IS FURTHER ORDERED that the Clerk of Court **REOPEN** the case.

IT IS FURTHER ORDERED that the Clerk of Court **REMOVE** the "strike" assessed against Alvarado under 28 U.S.C. § 1915(g).

IT IS FURTHER ORDERED that Alvarado may file a second amended complaint by **October 10, 2022**. Failure to file an amended complaint by this date will result in dismissal without prejudice.

Dated at Milwaukee, Wisconsin this 20th day of September, 2022.

BY THE COURT

A handwritten signature in blue ink, reading "Nancy Joseph", written over a horizontal line.

NANCY JOSEPH

United States Magistrate Judge